

SECOND REGULAR SESSION

SENATE BILL NO. 838

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 27, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4405S.04I

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof five new sections relating to charter schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 160.400, 160.405, 160.410, 160.415, and 160.420, to read as follows:

160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only:

(1) In a metropolitan school district [or], in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, **in a school district that has been classified as unaccredited by the state board of education, or in a school district that has a Title I school in level 3, 4, or 5 of school improvement**, and may be sponsored by any of the following:

[(1)] (a) The school board of the district;

[(2)] (b) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

[(3)] (c) A community college [located in] **the service area of which encompasses some portion of** the district; or

[(4)] (d) Any private four-year college or university [located in a city not within a county] with an enrollment of at least one thousand students, **with its primary campus in Missouri**, and with an approved teacher preparation

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 program; or

20 **(2) Under the sponsorship of the mayor of a city not within a**
21 **county in a metropolitan school district.**

22 3. The mayor of a city not within a county may request a sponsor under
23 [subdivision (2), (3), or (4)] **paragraph (b), (c), or (d) of subdivision (1)** of
24 subsection 2 of this section to consider sponsoring **or the mayor may sponsor**
25 a "workplace charter school", which is defined for purposes of sections 160.400 to
26 160.420 as a charter school with the ability to target prospective students whose
27 parent or parents are employed in a business district, as defined in the charter,
28 which is located in the city.

29 4. No sponsor shall receive from an applicant for a charter school any fee
30 of any type for the consideration of a charter, nor may a sponsor condition its
31 consideration of a charter on the promise of future payment of any kind.

32 5. The charter school shall be a Missouri nonprofit corporation
33 incorporated pursuant to chapter 355, RSMo. The charter provided for herein
34 shall constitute a contract between the sponsor and the charter school.

35 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo,
36 the charter school shall select the method for election of officers pursuant to
37 section 355.326, RSMo, based on the class of corporation selected. Meetings of
38 the governing board of the charter school shall be subject to the provisions of
39 sections 610.010 to 610.030, RSMo, the open meetings law.

40 7. A sponsor of a charter school, its agents and employees are not liable
41 for any acts or omissions of a charter school that it sponsors, including acts or
42 omissions relating to the charter submitted by the charter school, the operation
43 of the charter school and the performance of the charter school.

44 8. A charter school may affiliate with a four-year college or university,
45 including a private college or university, or a community college as otherwise
46 specified in subsection 2 of this section when its charter is granted by a sponsor
47 other than such college, university or community college. Affiliation status
48 recognizes a relationship between the charter school and the college or university
49 for purposes of teacher training and staff development, curriculum and
50 assessment development, use of physical facilities owned by or rented on behalf
51 of the college or university, and other similar purposes. The primary campus of
52 the college or university must be located within the county in which the school
53 district lies wherein the charter school is located or in a county adjacent to the
54 county in which the district is located. A university, college or community college

55 may not charge or accept a fee for affiliation status.

56 9. The expenses associated with sponsorship of charter schools shall be
57 defrayed by the department of elementary and secondary education retaining one
58 and five-tenths percent of the amount of state and local funding allocated to the
59 charter school under section 160.415, not to exceed one hundred twenty-five
60 thousand dollars, adjusted for inflation. [Such amount shall not be withheld
61 when the sponsor is a school district or the state board of education.] The
62 department of elementary and secondary education shall remit the retained funds
63 for each charter school to the school's sponsor, provided the sponsor remains in
64 good standing by fulfilling its sponsorship obligations under sections 160.400 to
65 160.420 and 167.349, RSMo, with regard to each charter school it sponsors,
66 including appropriate demonstration of the following:

67 (1) Expends no less than ninety percent of its charter school sponsorship
68 funds in support of its charter school sponsorship program, or as a direct
69 investment in the sponsored schools;

70 (2) Maintains a comprehensive application process that follows fair
71 procedures and rigorous criteria and grants charters only to those developers who
72 demonstrate strong capacity for establishing and operating a quality charter
73 school;

74 (3) Negotiates contracts with charter schools that clearly articulate the
75 rights and responsibilities of each party regarding school autonomy, expected
76 outcomes, measures for evaluating success or failure, performance consequences,
77 and other material terms;

78 (4) Conducts contract oversight that evaluates performance, monitors
79 compliance, informs intervention and renewal decisions, and ensures autonomy
80 provided under applicable law; and

81 (5) Designs and implements a transparent and rigorous process that uses
82 comprehensive data to make merit-based renewal decisions.

83 10. No university, college or community college shall grant a charter to
84 a nonprofit corporation if an employee of the university, college or community
85 college is a member of the corporation's board of directors.

86 11. No sponsor shall grant a charter under sections 160.400 to 160.420
87 and 167.349, RSMo, without ensuring that a criminal background check and
88 **[child abuse] family care safety** registry check are conducted for all members
89 of the governing board of the charter schools or the incorporators of the charter
90 school if initial directors are not named in the articles of incorporation, nor shall

91 a sponsor renew a charter without ensuring a criminal background check and
92 [child abuse] **family care safety** registry check are conducted for each member
93 of the governing board of the charter school.

94 12. No member of the governing board of a charter school shall hold any
95 office or employment from the board or the charter school while serving as a
96 member, nor shall the member have any substantial interest, as defined in
97 section 105.450, RSMo, in any entity employed by or contracting with the board.
98 No board member shall be an employee of a company that provides substantial
99 services to the charter school. All members of the governing board of the charter
100 school shall be considered decision-making public servants as defined in section
101 105.450, RSMo, for the purposes of the financial disclosure requirements
102 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

103 13. A sponsor shall provide timely submission to the state board of
104 education of all data necessary to demonstrate that the sponsor is in material
105 compliance with all requirements of sections 160.400 to 160.420 and 167.349,
106 RSMo.

107 14. **A sponsor shall develop the policies and procedures for:**

108 **(1) The review of a charter school proposal; and**

109 **(2) The granting of a charter; and**

110 **(3) Procedures to be implemented if a charter school should**
111 **close, including but not limited to:**

112 **(a) The transfer or repository of student records upon closure;**
113 **and**

114 **(b) The disposition of the charter school's assets upon closure.**

115 15. The state board of education shall ensure each sponsor is in
116 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
117 RSMo, for each charter school sponsored by any sponsor. The state board shall
118 notify each sponsor of the standards for sponsorship of charter schools,
119 delineating both what is mandated by statute and what best practices
120 dictate. The state board, after a public hearing, may require remedial action for
121 a sponsor that it finds has not fulfilled its obligations of sponsorship, such
122 remedial actions including withholding the sponsor's funding and suspending for
123 a period of up to one year the sponsor's authority to sponsor a school that it
124 currently sponsors or to sponsor any additional school. If the state board removes
125 the authority to sponsor a currently operating charter school, the state board
126 shall become the interim sponsor of the school for a period of up to three years

127 until the school finds a new sponsor or until the charter contract period
128 lapses. **During such time, if the charter school fails to meet academic**
129 **performance or other goals as prescribed in the school's charter, the**
130 **state board may revoke the charter.**

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 include a mission statement for the charter school, a description of the charter
10 school's organizational structure and bylaws of the governing body, which will be
11 responsible for the policy and operational decisions of the charter school, a
12 financial plan for the first three years of operation of the charter school including
13 provisions for annual audits, a description of the charter school's policy for
14 securing personnel services, its personnel policies, personnel qualifications, and
15 professional development plan, a description of the grades or ages of students
16 being served, the school's calendar of operation, which shall include at least the
17 equivalent of a full school term as defined in section 160.011, and an outline of
18 criteria specified in this section designed to measure the effectiveness of the
19 school. The charter shall also state:

20 (1) [The educational goals and objectives to be achieved by the charter
21 school] **An accountability plan, which shall contain a complete set of**
22 **indicators, measures, metrics, and targets in the following areas:**
23 **academic program performance; operational program performance,**
24 **including governance; and, if applicable, elements related specifically**
25 **to the charter school's mission and vision;**

26 (2) A description of the charter school's educational program and
27 curriculum;

28 (3) The term of the charter, which shall be not less than five years, nor
29 greater than ten years and shall be renewable;

30 (4) A description of the charter school's pupil performance standards,
31 which must meet the requirements of subdivision (6) of subsection 5 of this
32 section. The charter school program must be designed to enable each pupil to

33 achieve such standards;

34 (5) A description of the governance and operation of the charter school,
35 including the nature and extent of parental, professional educator, and
36 community involvement in the governance and operation of the charter school;
37 [and]

38 (6) A description of the charter school's policies on student discipline and
39 student admission, which shall include a statement, where applicable, of the
40 validity of attendance of students who do not reside in the district but who may
41 be eligible to attend under the terms of judicial settlements; **and**

42 **(7) Procedures to be implemented if the charter school should**
43 **close, including, but not limited to, the transfer or repository of student**
44 **records and the disposition of the charter school's assets.**

45 2. Proposed charters shall be subject to the following requirements:

46 (1) **A charter shall be submitted to the sponsor by August fifteen**
47 **of the year prior to the proposed opening date of the charter school;**

48 (2) A charter may be approved when the sponsor determines that the
49 requirements of this section are met and determines that the applicant is
50 sufficiently qualified to operate a charter school. The sponsor's decision of
51 approval or denial shall be made within ninety days of the filing of the proposed
52 charter;

53 [(2)] (3) If the charter is denied, the proposed sponsor shall notify the
54 applicant in writing as to the reasons for its denial and forward a copy to the
55 state board of education within five business days following the denial;

56 [(3)] (4) If a proposed charter is denied by a sponsor, the proposed
57 charter may be submitted to the state board of education, along with the
58 sponsor's written reasons for its denial. If the state board determines that the
59 applicant meets the requirements of this section, that the applicant is sufficiently
60 qualified to operate the charter school, and that granting a charter to the
61 applicant would be likely to provide educational benefit to the children of the
62 district, the state board may grant a charter and act as sponsor of the charter
63 school. The state board shall review the proposed charter and make a
64 determination of whether to deny or grant the proposed charter within sixty days
65 of receipt of the proposed charter, provided that any charter to be considered by
66 the state board of education under this subdivision shall be submitted no later
67 than March first prior to the school year in which the charter school intends to
68 begin operations. The state board of education shall notify the applicant in

69 writing as the reasons for its denial, if applicable; and

70 [(4)] (5) The sponsor of a charter school shall give priority to charter
71 school applicants that propose a school oriented to high-risk students and to the
72 reentry of dropouts into the school system. If a sponsor grants three or more
73 charters, at least one-third of the charters granted by the sponsor shall be to
74 schools that actively recruit dropouts or high-risk students as their student body
75 and address the needs of dropouts or high-risk students through their proposed
76 mission, curriculum, teaching methods, and services. For purposes of this
77 subsection, a "high-risk" student is one who is at least one year behind in
78 satisfactory completion of course work or obtaining credits for graduation,
79 pregnant or a parent, homeless or has been homeless sometime within the
80 preceding six months, has limited English proficiency, has been suspended from
81 school three or more times, is eligible for free or reduced-price school lunch, or
82 has been referred by the school district for enrollment in an alternative
83 program. "Dropout" shall be defined through the guidelines of the school core
84 data report. The provisions of this subsection do not apply to charters sponsored
85 by the state board of education.

86 3. If a charter is approved by a sponsor, the charter application shall be
87 submitted to the state board of education, along with a statement of finding that
88 the application meets the requirements of sections 160.400 to 160.420 and section
89 167.439, RSMo, and a monitoring plan under which the charter sponsor will
90 evaluate the academic performance of students enrolled in the charter
91 school. The state board of education may, within sixty days, disapprove the
92 granting of the charter. The state board of education may disapprove a charter
93 on grounds that the application fails to meet the requirements of sections 160.400
94 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed
95 to meet the statutory responsibilities of a charter sponsor.

96 4. Any disapproval of a charter pursuant to subsection 3 of this section
97 shall be subject to judicial review pursuant to chapter 536, RSMo.

98 5. A charter school shall, as provided in its charter:

99 (1) Be nonsectarian in its programs, admission policies, employment
100 practices, and all other operations;

101 (2) Comply with laws and regulations of the state, county, or city relating
102 to health, safety, and state minimum educational standards, as specified by the
103 state board of education, including the requirements relating to student discipline
104 under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of

105 criminal conduct to law enforcement authorities under sections 167.115 to
106 167.117, RSMo, academic assessment under section 160.518, transmittal of school
107 records under section 167.020, RSMo, [and] the minimum number of school days
108 and hours required under section 160.041, **and the employee criminal history**
109 **background check and the family care safety registry check under**
110 **section 168.133;**

111 (3) Except as provided in sections 160.400 to 160.420, be exempt from all
112 laws and rules relating to schools, governing boards and school districts;

113 (4) Be financially accountable, use practices consistent with the Missouri
114 financial accounting manual, provide for an annual audit by a certified public
115 accountant, publish audit reports and annual financial reports as provided in
116 chapter 165, RSMo, provided that the annual financial report may be published
117 on the department of elementary and secondary education's Internet website in
118 addition to other publishing requirements, and provide liability insurance to
119 indemnify the school, its board, staff and teachers against tort claims. A charter
120 school that receives local educational agency status under subsection 6 of this
121 section shall meet the requirements imposed by the Elementary and Secondary
122 Education Act for audits of such agencies. For purposes of an audit by petition
123 under section 29.230, RSMo, a charter school shall be treated as a political
124 subdivision on the same terms and conditions as the school district in which it is
125 located. For the purposes of securing such insurance, a charter school shall be
126 eligible for the Missouri public entity risk management fund pursuant to section
127 537.700, RSMo. A charter school that incurs debt must include a repayment plan
128 in its financial plan;

129 (5) Provide a comprehensive program of instruction for at least one grade
130 or age group from kindergarten through grade twelve, which may include early
131 childhood education if funding for such programs is established by statute, as
132 specified in its charter;

133 (6) (a) Design a method to measure pupil progress toward the pupil
134 academic standards adopted by the state board of education pursuant to section
135 160.514, [collect baseline data during at least the first three years for
136 determining how the charter school is performing] **establish baseline student**
137 **performance during the first year of operation, collect student**
138 **performance data as defined by the annual performance report**
139 **throughout the duration of the charter to annually monitor student**
140 **academic performance, and to the extent applicable based upon grade**

141 **levels offered by the charter school**, participate in the statewide system of
142 assessments, comprised of the essential skills tests and the nationally
143 standardized norm-referenced achievement tests, as designated by the state board
144 pursuant to section 160.518, complete and distribute an annual report card as
145 prescribed in section 160.522, which shall also include a statement that
146 background checks have been completed on the charter school's board members,
147 report to its sponsor, the local school district, and the state board of education as
148 to its teaching methods and any educational innovations and the results thereof,
149 and provide data required for the study of charter schools pursuant to subsection
150 4 of section 160.410. No charter school will be considered in the Missouri school
151 improvement program review of the district in which it is located for the resource
152 or process standards of the program.

153 (b) For proposed high risk or alternative charter schools, sponsors shall
154 approve performance measures based on mission, curriculum, teaching methods,
155 and services. Sponsors shall also approve comprehensive academic and
156 behavioral measures to determine whether students are meeting performance
157 standards on a different time frame as specified in that school's charter. Student
158 performance shall be assessed comprehensively to determine whether a high risk
159 or alternative charter school has documented adequate student progress. Student
160 performance shall be based on sponsor-approved comprehensive measures as well
161 as standardized public school measures. Annual presentation of charter school
162 report card data to the department of elementary and secondary education, the
163 state board, and the public shall include comprehensive measures of student
164 progress.

165 (c) Nothing in this [paragraph] **subdivision** shall be construed as
166 permitting a charter school to be held to lower performance standards than other
167 public schools within a district; however, the charter of a charter school may
168 permit students to meet performance standards on a different time frame as
169 specified in its charter;

170 (7) Assure that the needs of special education children are met in
171 compliance with all applicable federal and state laws and regulations;

172 (8) Provide along with any request for review by the state board of
173 education the following:

174 (a) Documentation that the applicant has provided a copy of the
175 application to the school board of the district in which the charter school is to be
176 located, except in those circumstances where the school district is the sponsor of

177 the charter school; and

178 (b) A statement outlining the reasons for approval or disapproval by the
179 sponsor, specifically addressing the requirements of sections 160.400 to 160.420
180 and 167.349, RSMo.

181 **6. (1) Proposed or existing high risk or alternative charter**
182 **schools may include alternative arrangements for students to obtain**
183 **credit for satisfying graduation requirements in the school's charter**
184 **application and charter. Alternative arrangements may include, but**
185 **not be limited to, credit for off-campus instruction, embedded credit,**
186 **work experience through a paid or unpaid internship arranged through**
187 **the school, and independent studies. When the state board of education**
188 **approves the charter, any such alternative arrangements shall be**
189 **approved at such time.**

190 **(2) The department of elementary and secondary education shall**
191 **conduct a study of any charter school granted alternative arrangements**
192 **for students to obtain credit under this subsection after three years of**
193 **operation to assess student performance, graduation rates, educational**
194 **outcomes, and entry into the workforce or higher education.**

195 7. The charter of a charter school may be amended at the request of the
196 governing body of the charter school and on the approval of the sponsor. The
197 sponsor and the governing board and staff of the charter school shall jointly
198 review the school's performance, management and operations [at least once every
199 two years] **during the first year of operation and then every other year**
200 **after the most recent review** or at any point where the operation or
201 management of the charter school is changed or transferred to another entity,
202 either public or private. The governing board of a charter school may amend the
203 charter, if the sponsor approves such amendment, or the sponsor and the
204 governing board may reach an agreement in writing to reflect the charter school's
205 decision to become a local educational agency [for the sole purpose of seeking
206 direct access to federal grants]. In such case the sponsor shall give the
207 department of elementary and secondary education written notice no later than
208 March first of any year, with the agreement to become effective July first. The
209 department may waive the March first notice date in its discretion. The
210 department shall identify and furnish a list of its regulations that pertain to local
211 educational agencies to such schools within thirty days of receiving such notice.

212 [7.] 8. (1) A sponsor shall revoke a charter or take other appropriate

213 remedial action, which may include placing the charter school on probationary
214 status, at any time if the charter school commits a serious breach of one or more
215 provisions of its charter or on any of the following grounds: failure to meet
216 academic performance standards as set forth in its charter, failure to meet
217 generally accepted standards of fiscal management, failure to provide information
218 necessary to confirm compliance with all provisions of the charter and sections
219 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of
220 written notice requesting such information, or violation of law.

221 (2) The sponsor may place the charter school on probationary status to
222 allow the implementation of a remedial plan, which may require a change of
223 methodology, a change in leadership, or both, after which, if such plan is
224 unsuccessful, the charter may be revoked.

225 (3) At least sixty days before acting to revoke a charter, the sponsor shall
226 notify the governing board of the charter school of the proposed action in
227 writing. The notice shall state the grounds for the proposed action. The school's
228 governing board may request in writing a hearing before the sponsor within two
229 weeks of receiving the notice.

230 (4) The sponsor of a charter school shall establish procedures to conduct
231 administrative hearings upon determination by the sponsor that grounds exist to
232 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
233 to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

234 (5) A termination shall be effective only at the conclusion of the school
235 year, unless the sponsor determines that continued operation of the school
236 presents a clear and immediate threat to the health and safety of the children.

237 (6) A charter sponsor shall make available the school accountability report
238 card information as provided under section 160.522 and the results of the
239 academic monitoring required under subsection 3 of this section.

240 [8.] **9. (1)** A sponsor shall take all reasonable steps necessary to confirm
241 that each charter school sponsored by such sponsor is in material compliance and
242 remains in material compliance with all material provisions of the charter and
243 sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall
244 provide all information necessary to confirm ongoing compliance with all
245 provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in
246 a timely manner to its sponsor.

247 **(2) (a) Beginning January 1, 2011, during the year in which a**
248 **charter is considered for renewal, a charter school sponsor shall**

249 **demonstrate to the state board of education that the charter school is**
250 **in compliance with federal and state laws on accountability;**
251 **transparency; maintenance of parent, student, and employee rights;**
252 **performance of charter requirements; and the following academic**
253 **performance standards:**

254 **a. For a charter school the grade span of which includes high**
255 **school grades, the average graduation rate for the most recent three**
256 **years is no lower than seventy percent in any three of the last four**
257 **years unless the school has as its mission dropout recovery and enrolls**
258 **students from the ages of seventeen to twenty-one; and**

259 **b. For all charter schools, is among the lowest achieving five**
260 **percent of Title I schools in corrective action or restructuring.**

261 **(b) The state board of education shall determine if compliance**
262 **with all standards enumerated in paragraph (a) of this subdivision has**
263 **been achieved. If compliance has been achieved, the state board of**
264 **education shall so note at its next regularly scheduled meeting. If**
265 **compliance with all standards has not been achieved, the charter**
266 **school and its sponsor may file a statement no later than January**
267 **thirty-first, stating the reasons why the charter school should not be**
268 **closed. If no such statement is filed, the charter school shall cease**
269 **operation at the end of the current academic year. If a statement is**
270 **timely filed, the state board of education shall hold a public hearing no**
271 **later than March first on the merits of keeping the school open. The**
272 **state board of education shall vote no later than March thirty-first to**
273 **continue the operation of the charter school and may impose conditions**
274 **on its continuing operation as specified in subdivision (1) of subsection**
275 **8 of this section, or to close the charter school at the end of the current**
276 **academic year.**

277 **[9.] 10. A school district may enter into a lease with a charter school for**
278 **physical facilities.**

279 **[10.] 11. A governing board or a school district employee who has control**
280 **over personnel actions shall not take unlawful reprisal against another employee**
281 **at the school district because the employee is directly or indirectly involved in an**
282 **application to establish a charter school. A governing board or a school district**
283 **employee shall not take unlawful reprisal against an educational program of the**
284 **school or the school district because an application to establish a charter school**
285 **proposes the conversion of all or a portion of the educational program to a charter**

286 school. As used in this subsection, "unlawful reprisal" means an action that is
287 taken by a governing board or a school district employee as a direct result of a
288 lawful application to establish a charter school and that is adverse to another
289 employee or an educational program.

290 [11.] 12. Charter school board members shall be subject to the same
291 liability for acts while in office as if they were regularly and duly elected
292 members of school boards in any other public school district in this state. The
293 governing board of a charter school may participate, to the same extent as a
294 school board, in the Missouri public entity risk management fund in the manner
295 provided under sections 537.700 to 537.756, RSMo.

296 [12.] 13. Any entity, either public or private, operating, administering,
297 or otherwise managing a charter school shall be considered a quasi-public
298 governmental body and subject to the provisions of sections 610.010 to 610.035,
299 RSMo.

300 [13.] 14. The chief financial officer of a charter school shall maintain:

301 (1) A surety bond in an amount determined by the sponsor to be adequate
302 based on the cash flow of the school; or

303 (2) An insurance policy issued by an insurance company licensed to do
304 business in Missouri on all employees in the amount of five hundred thousand
305 dollars or more that provides coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program; [and]

5 (3) **In the case of a charter school whose mission includes student**
6 **drop-out prevention or recovery, any nonresident pupil from the same**
7 **or an adjacent county who is considered high risk or is a dropout, or**
8 **any nonresident pupil from the same or an adjacent county who resides**
9 **in a residential care facility, a transitional living group home, or an**
10 **independent living program whose last school of enrollment is in the**
11 **school district where the charter school is established, who submits a**
12 **timely application; and**

13 (4) In the case of a workplace charter school, any student eligible to
14 attend under subdivision (1) or (2) of this subsection whose parent is employed
15 in the business district, who submits a timely application, unless the number of
16 applications exceeds the capacity of a program, class, grade level or building. The

17 configuration of a business district shall be set forth in the charter and shall not
18 be construed to create an undue advantage for a single employer or small number
19 of employers.

20 2. If capacity is insufficient to enroll all pupils who submit a timely
21 application, the charter school shall have an admissions process that assures all
22 applicants of an equal chance of gaining admission except that:

23 (1) A charter school may establish a geographical area around the school
24 whose residents will receive a preference for enrolling in the school, provided that
25 such preferences do not result in the establishment of racially or
26 socioeconomically isolated schools and provided such preferences conform to
27 policies and guidelines established by the state board of education; [and]

28 (2) A charter school may also give a preference for admission of children
29 whose siblings attend the school or whose parents are employed at the school or
30 in the case of a workplace charter school, a child whose parent is employed in the
31 business district or at the business site of such school; **and**

32 **(3) A charter school whose mission includes student drop-out**
33 **prevention or recovery as described in subdivision (3) of subsection 1**
34 **of this section shall give preference for admission to resident pupils**
35 **over nonresident pupils.**

36 3. A charter school shall not limit admission based on race, ethnicity,
37 national origin, disability, gender, income level, proficiency in the English
38 language or athletic ability, but may limit admission to pupils within a given age
39 group or grade level.

40 4. The department of elementary and secondary education shall
41 commission a study of the performance of students at each charter school in
42 comparison with an equivalent group of district students representing an
43 equivalent demographic and geographic population and a study of the impact of
44 charter schools upon the constituents they serve in the districts in which they are
45 located, to be conducted by the joint committee on education. The charter school
46 study shall include analysis of the administrative and instructional practices of
47 each charter school and shall include findings on innovative programs that
48 illustrate best practices and lend themselves to replication or incorporation in
49 other schools. The joint committee on education shall coordinate with individuals
50 representing charter [public] schools and the districts in which charter schools
51 are located in conducting the study. The study of a charter school's student
52 performance in relation to a comparable group shall be designed to provide

53 information that would allow parents and educators to make valid comparisons
54 of academic performance between the charter school's students and an equivalent
55 group of district students representing an equivalent demographic and geographic
56 population. The student performance assessment and comparison shall include,
57 but may not be limited to:

58 (1) Missouri assessment program test performance and aggregate growth
59 over several years;

60 (2) Student reenrollment rates;

61 (3) Educator, parent, and student satisfaction data;

62 (4) Graduation rates in secondary programs; and

63 (5) Performance of students enrolled in the same public school for three

64 or more consecutive years. The impact study shall be undertaken every two years
65 to determine the impact of charter schools on the constituents they serve in the
66 districts where charter schools are operated. The impact study shall include, but
67 is not limited to, determining if changes have been made in district policy or
68 procedures attributable to the charter school and to perceived changes in
69 attitudes and expectations on the part of district personnel, school board
70 members, parents, students, the business community and other education
71 stakeholders. The department of elementary and secondary education shall make
72 the results of the studies public and shall deliver copies to the governing boards
73 of the charter schools, the sponsors of the charter schools, the school board and
74 superintendent of the districts in which the charter schools are operated.

75 5. A charter school shall make available for public inspection, and provide
76 upon request, to the parent, guardian, or other custodian of any school-age pupil
77 resident in the district in which the school is located the following information:

78 (1) The school's charter;

79 (2) The school's most recent annual report card published according to
80 section 160.522; [and]

81 (3) The results of background checks on the charter school's board
82 members; **and**

83 (4) **If a charter school is operated by a management company, a**
84 **copy of the written contract between the governing board of the**
85 **charter school and the educational management organization or the**
86 **charter management organization for services.**

87 The charter school may charge reasonable fees, not to exceed the rate specified
88 in section 610.026, RSMo, for furnishing copies of documents under this

89 subsection.

90 **6. When a student attending a charter school who is a resident**
91 **of the school district in which the charter school is located moves out**
92 **of the boundaries of such school district, the student may complete the**
93 **current semester and shall be considered a resident student. The**
94 **student's parent or legal guardian shall be responsible for the student's**
95 **transportation to and from the charter school.**

96 **7. If a change in school district boundary lines occurs under**
97 **sections 162.223, 162.431, 162,441, 162.451, or by action of the state**
98 **board of education under section 162.081, including attachment of a**
99 **school district's territory to another district or dissolution, such that**
100 **a student attending a charter school prior to such change no longer**
101 **resides in a school district in which charter schools are permitted to**
102 **operate, then the student may complete the current academic year at**
103 **the charter school. The student shall be considered a resident**
104 **student. The student's parent or legal guardian shall be responsible for**
105 **the student's transportation to and from the charter school.**

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, RSMo, pupils enrolled in a charter school shall
3 be included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced lunch, special education, or limited English proficiency status,
6 as well as eligibility for categorical aid, of pupils resident in a school district who
7 are enrolled in the charter school to the school district in which those pupils
8 reside. The charter school shall report the average daily attendance data, free
9 and reduced lunch count, special education pupil count, and limited English
10 proficiency pupil count to the state department of elementary and secondary
11 education. Each charter school shall promptly notify the state department of
12 elementary and secondary education and the pupil's school district when a
13 student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local

20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011,
22 RSMo, plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection
33 as the disbursal agent and no later than twenty days following the receipt of any
34 such funds. The department of elementary and secondary education shall pay the
35 amounts due when it acts as the disbursal agent within five days of the required
36 due date.

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060, RSMo.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011, RSMo, plus all other state aid attributable to such
49 pupils. If a charter school declares itself as a local education agency, the
50 department of elementary and secondary education shall, upon notice of the
51 declaration, reduce the payment made to the school district by the amount
52 specified in this subsection and pay directly to the charter school the annual
53 amount reduced from the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary

56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536, RSMo. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 6. The charter school and a local school board may agree by contract for
71 services to be provided by the school district to the charter school. The charter
72 school may contract with any other entity for services. Such services may include
73 but are not limited to food service, custodial service, maintenance, management
74 assistance, curriculum assistance, media services and libraries and shall be
75 subject to negotiation between the charter school and the local school board or
76 other entity. Documented actual costs of such services shall be paid for by the
77 charter school.

78 7. A charter school may enter into contracts with community partnerships
79 and state agencies acting in collaboration with such partnerships that provide
80 services to children and their families linked to the school.

81 8. A charter school shall be eligible for transportation state aid pursuant
82 to section 163.161, RSMo, and shall be free to contract with the local district, or
83 any other entity, for the provision of transportation to the students of the charter
84 school.

85 9. (1) The proportionate share of state and federal resources generated
86 by students with disabilities or staff serving them shall be paid in full to charter
87 schools enrolling those students by their school district where such enrollment is
88 through a contract for services described in this section. The proportionate share
89 of money generated under other federal or state categorical aid programs shall
90 be directed to charter schools serving such students eligible for that aid.

91 (2) A charter school district shall provide the special services provided

92 pursuant to section 162.705, RSMo, and may provide the special services
93 pursuant to a contract with a school district or any provider of such services.

94 10. A charter school may not charge tuition, nor may it impose fees that
95 a school district is prohibited from imposing.

96 11. A charter school is authorized to incur debt in anticipation of receipt
97 of funds. A charter school may also borrow to finance facilities and other capital
98 items. A school district may incur bonded indebtedness or take other measures
99 to provide for physical facilities and other capital items for charter schools that
100 it sponsors or contracts with. Upon the dissolution of a charter school, any
101 liabilities of the corporation will be satisfied through the procedures of chapter
102 355, RSMo. **The department of elementary and secondary education may**
103 **withhold funding at a level the department determines to be adequate**
104 **during a school's last year of operation until the department**
105 **determines that school records, liabilities, and reporting requirements,**
106 **including a full audit, are satisfied.**

107 12. Charter schools shall not have the power to acquire property by
108 eminent domain.

109 13. The governing body of a charter school is authorized to accept grants,
110 gifts or donations of any kind and to expend or use such grants, gifts or
111 donations. A grant, gift or donation may not be accepted by the governing body
112 if it is subject to any condition contrary to law applicable to the charter school or
113 other public schools, or contrary to the terms of the charter.

160.420. 1. Any school district in which charter schools may be
2 established under sections 160.400 to 160.420 shall establish a uniform policy
3 which provides that if a charter school offers to retain the services of an employee
4 of a school district, and the employee accepts a position at the charter school, an
5 employee at the employee's option may remain an employee of the district and the
6 charter school shall pay to the district the district's full costs of salary and
7 benefits provided to the employee. The district's policy shall provide that any
8 teacher who accepts a position at a charter school and opts to remain an employee
9 of the district retains such teacher's permanent teacher status and retains such
10 teacher's seniority rights in the district for three years. The school district shall
11 not be liable for any such employee's acts while an employee of the charter school.

12 2. A charter school may employ noncertificated instructional personnel;
13 provided that no more than twenty percent of the full-time equivalent
14 instructional staff positions at the school are filled by noncertificated personnel.

15 All noncertificated instructional personnel shall be supervised by certificated
16 instructional personnel. A charter school that has a foreign language immersion
17 experience as its chief educational mission, as stated in its charter, shall not be
18 subject to the twenty-percent requirement of this subsection but shall ensure that
19 any teachers whose duties include instruction given in a foreign language have
20 current valid credentials in the country in which such teacher received his or her
21 training and shall remain subject to the remaining requirements of this
22 subsection. The charter school shall ensure that all instructional employees of
23 the charter school have experience, training and skills appropriate to the
24 instructional duties of the employee, and the charter school shall ensure that a
25 criminal background check and [child abuse] **family care safety** registry check
26 are conducted for each employee of the charter school prior to the hiring of the
27 employee **under the requirements of section 168.133**. The charter school
28 may not employ instructional personnel whose certificate of license to teach has
29 been revoked or is currently suspended by the state board of
30 education. Appropriate experience, training and skills of noncertificated
31 instructional personnel shall be determined considering:

- 32 (1) Teaching certificates issued by another state or states;
- 33 (2) Certification by the National Standards Board;
- 34 (3) College degrees in the appropriate field;
- 35 (4) Evidence of technical training and competence when such is
36 appropriate; and
- 37 (5) The level of supervision and coordination with certificated
38 instructional staff.

39 3. Personnel employed by the charter school shall participate in the
40 retirement system of the school district in which the charter school is located,
41 subject to the same terms, conditions, requirements and other provisions
42 applicable to personnel employed by the school district. For purposes of
43 participating in the retirement system, the charter school shall be considered to
44 be a public school within the school district, and personnel employed by the
45 charter school shall be public school employees. In the event of a lapse of the
46 school district's corporate organization as described in subsections 1 and 4 of
47 section 162.081, RSMo, personnel employed by the charter school shall continue
48 to participate in the retirement system and shall do so on the same terms,
49 conditions, requirements and other provisions as they participated prior to the
50 lapse.

51 [4. The charter school and a local school board may agree by contract for
52 services to be provided by the school district to the charter school. The charter
53 school may contract with any other entity for services. Such services may include
54 but are not limited to food service, custodial service, maintenance, management
55 assistance, curriculum assistance, media services and libraries and shall be
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